1. **POLICY STATEMENT**

A. To ensure the integrity of the Department, all alleged or suspected personnel misconduct observed or suspected by supervisors, Department employees, or citizens will be thoroughly investigated.

(1) Minor violations of policy not specifically listed in Operations Order, 2.1.01, Policy Violations Index, may be classified as a performance issue incident rather than a disciplinary issue.

(2) Supervisors who classify an allegation of misconduct or a minor policy violation as a performance issue or supervisory counseling, documented on the Supervisory Counseling Form 80-582D, are not required to complete a misconduct investigation.

- These incidents will be entered into Blue Team as an administrative inquiry by the investigating supervisor and forwarded through his/her chain of command.

B. Bureau/precinct commanders/administrators will be responsible for ensuring all complaints involving minor policy violations being investigated by subordinates are completed within 30 days from the time the complaint was made.

- A review of the complaint status should be conducted on a seven (7) day interval.

C. All citizen complaints, not rising to the level of a misconduct investigation, will be entered into Blue Team as an administrative inquiry and forwarded through his/her chain of command.

2. **DEFINITIONS**

A. Administrative Inquiry	• Documents an allegation of misconduct by an employee of the Department which is unfounded or deemed a performance issue/minor policy violation that does not result in discipline of a written reprimand or higher
B. Citizen Complaint	• An allegation of an employee misconduct or wrongdoing • This includes the following: * Conduct that amounts to a violation of a City ordinance, a state, county, or federal law, or a Department regulation and such violation, if sustained, could result in disciplinary action against the employee * The commission of any prohibited act or the omission of any act that is required
C. Internal Investigation Material List Form 80-58.1DB	• A list documenting the materials the investigating supervisor or Professional Standards Bureau (PSB) investigator provides to an involved employee prior to interviewing the employee * The involved employee will initial each item received/reviewed in the space provided and sign the bottom of the form.
D. Minor Policy Violation: **Performance Issue Incident**	• An act that does not involve malicious intent, repeat offenses, or a reckless/willful disregard for policy • A minor policy violation: performance issue incident is corrected using non-disciplinary measures such as coaching, supervisory initiated training, and Performance Management Guide (PMG) goal setting. • Minor policy violations: performance issues incidents are incidents that are not listed in Ops 2.1.01 Policy Violations Index, Discipline Policy and Review Boards. • An internal investigation is not required for performance issue incidents.
E. Misconduct	• An employee commits misconduct by non-compliance with or by knowingly or intentionally violating any rule or procedure in a Memorandum of Understanding/Agreement (MOU/MOA), Employees Association Agreements, Operations Manual, other departmental or City orders, Administrative Regulations (AR), or City Personnel Rules which may result in disciplinary action.
F. Notice of Findings (NOF)	• A written notice listing the allegations investigated and the "Findings" listed in the Body-Worn Camera Investigation Short form or the "Conclusion" section of the Internal Investigation Report form.

2. **DEFINITIONS:** (Continued)

G. Notice of Investigation (NOI) Form 80-58DB	• A written notice informing the employee of the specific nature of the investigation and the employee's status in the investigation • An NOI is not required if the policy violation is deemed to be a performance issue incident or supervisory counseling.
H. Recording Performance Issues for Future Review	• Supervisors responsible for providing or recommending coaching, supervisor initiated training, or completion of the employee's PMG, are required to record the nature of the incident, date of the incident, and required remediation (mentoring, training, etc.) in the supervisor notes. • The employee will be notified a notation has been made in the supervisor notes and the notes will be provided to the employee to review and sign on a monthly basis.
I. Supervisor Initiated (SI) Investigation	• An investigation in which the supervisor has observed or suspects a violation of law, City ordinance, or Department regulations • This includes alleged or suspected misconduct which another employee has brought to the attention of a supervisor
J. Work History	• May be included in memorandum form as an attachment to the Internal Investigation Report Form 80-58DA • Includes commendations, performance evaluations, and discipline history (time tables as outlined in Operations Order 2.1.00, Discipline Policy and Review Boards)

3. RESPONSIBILITIES IN MISCONDUCT INVESTIGATIONS

A. Employee Responsibilities

(1) When an employee is accused of any misconduct or witnesses another employee's misconduct, the employee will call their immediate supervisor to the scene.

(2) Employees under investigation for misconduct or who are witnesses to the misconduct must cooperate with the administrative investigation.

(3) When an employee is the subject of a criminal investigation, they are entitled to Fifth Amendment or "Garrity" rights when applicable.

(4) Discussion of the Investigation

(a) If an employee is told not to speak to anyone regarding an investigation, the employee will abide by this order with the following exceptions:

- Conversations with an attorney functioning within the attorney-client relationship
- Conversations with a unit representative who may discuss the matter only with the grievance chair or the unit president
- Spouse
- Employee's clergy

(b) Employees will not jeopardize or interfere with criminal investigations, administrative investigations, or prosecutions.

- This includes employees who are witnesses or suspects in any criminal or traffic-related investigation.

(c) When the employee is presented with the Notice of Findings (NOF) or when the employee has received authorization from the investigating supervisor or Professional Standards Bureau (PSB) investigator, the admonishment against discussing the case is no longer applicable.

3. B. Responsibilities of the Investigating Supervisor - When an employee is suspected of misconduct, the employee's immediate supervisor will conduct the investigation.

EXCEPTION: Supervisors working in an off-duty capacity will be responsible for investigating alleged incidents of misconduct concerning officers working off-duty under their supervision (an on duty supervisor will not be called to handle the complaint).

(1) General Responsibilities

(a) Supervisors will immediately investigate all alleged or suspected incidents of misconduct observed or suspected.

- This includes alleged misconduct observed or suspected by other departmental employees and citizens

(b) Supervisors will not look to a higher authority to initiate investigations when the employee involved is within the scope of their own authority and responsibility.

(c) Employees under investigation will be notified in writing every three (3) months as to the current status of the investigation which will include:

- The number of known witnesses left to be interviewed.
- Any remaining investigative processes to be completed.
- The estimated date of completion.

(2) Employees of Equal or Higher Rank - If the alleged misconduct involves another employee of equal or higher rank, a superior officer will be called to investigate the matter.

(3) Employees From Multiple Precincts/Bureaus - If employees from multiple precincts or bureaus are involved, the incident will be investigated by PSB at the discretion of the Police Chief.

C. Professional Standards Bureau (PSB)

(1) Requesting Assistance From PSB	In cases where employees may be subject to discipline on its face value resulting in suspension without pay, dismissal, or demotion, supervisors will request assistance from PSB. • PSB may provide functional supervision of the investigation or may assume full responsibility at the direction of the Police Chief or request of the affected assistant chief.
(2) Reinvestigating Complaints	• PSB has the authority to reinvestigate a matter believed to be incomplete with the concurrence of the Police Chief or affected assistant chief. • In all instances, PSB will have full authority to question any employee/s who may have knowledge that will assist in the investigation.
(3) Complaints Received at PSB	• If PSB receives a direct complaint or information regarding an alleged violation, the matter will be referred to the proper assistant chief/bureau commander or the Police Chief if it is deemed necessary by PSB
(4) Investigation Authority	• During the course of conducting internal investigations, PSB investigators acting on behalf of the Police Chief may issue NOIs in addition to compelling statements and/or tests. • PSB investigators may give admonishments not to speak about the investigation and/or interview/s to any employee regardless of the employee's rank.

3. C. Professional Standards Bureau (continued)

(5) Information Received Six (6) Months After Alleged Misconduct Occurrence	If an allegation of misconduct occurred more than six (6) months prior to the date of the original complaint, the supervisor receiving the complaint will document the information in a memorandum • The memorandum will be sent through the chain of command to PSB • PSB will review the circumstances and determine if a formal investigation should be initiated • If an investigation is merited, PSB will assume the investigation, unless otherwise directed by the assistant chief or Police Chief.

4. **SPECIFIC PROCEDURES FOR CITIZEN COMPLAINTS**

A. Receipt of a Citizen Complaint

(1) General Procedures

(a) All complaints will be immediately referred to an on-duty supervisor.

(b) The supervisor will discuss the matter with the complainant.

- The discussion **should be** audio or audio and video recorded.

(c) If the complainant does not know the name or serial number of the involved employee, every effort will be made to determine the identity of the accused employee.

(d) If the identity of the employee can be determined and the complaint meets the definition of a citizen complaint as set forth in section 2 of this order, the supervisor will forward the complainant's contact information, a brief summary of the complaint, and the audio/video recording (if available) to the involved employee's immediate supervisor.

- If the involved employee's immediate supervisor is discussing the matter with the complainant, the employee's immediate supervisor will commence an investigation as outlined in this order.

(e) If the identity of the employee cannot be determined and/or the complaint does not meet the definition of a citizen complaint, the incident (and audio/video recording, if available) will be entered into Blue Team as an administrative inquiry by the supervisor who received the original complaint and forwarded through his/her chain of command.

(2) Serious Complaints Against Employees (Aggravated Assault, Theft, etc.)

- Serious complaints will be directed to a lieutenant or higher during normal business hours or the duty commander during non-business hours, who will evaluate the complaint to determine if requesting immediate assistance from PSB is warranted (see section 3.C of this order for more information).

B. Previous Complaints - The investigating supervisor will contact PSB to determine:

- If the complainant has filed previous complaints about Department employees
- If any similar previous complaints have been filed against the involved employee/s

4. C. Contacting the Complainant

(1) When the Complaint is Received	• Upon receipt of the complaint, the investigating supervisor will send a letter to the complainant verifying the complaint was received. • The complainant will be sent the original letter, which has been reviewed and signed by the bureau/precinct commander/administrator.
(2) Periodic Status Reports of Investigation	• Periodic status reports may be provided depending on the investigation's circumstances and length.
(3) At the Conclusion of the Investigation	• Upon the completion of the entire investigation process, the bureau/precinct commander/administrator or designee will send a notification of findings letter to the complainant. • The letter will contain the following: * Allegations and findings of the investigation * Brief definition of the various terms (unfounded, exonerated, etc.) * Investigating supervisor's name and the contact phone number * Complaint control number and statement that the complaint will be filed in the PSB for a minimum of five (5) years should any future questions or concerns arise

5. **STEPS IN CONDUCTING MISCONDUCT INVESTIGATIONS**

STEP	DESCRIPTION	SECTION FOUND
1	If the misconduct only involves a violation of Operations Order 5.1.00, Body-Worn Video Technology, section 4.C, initiate a "Draft" Body-Worn Camera Investigation Short Form 80-58.1DA. For all other investigations, initiate a "Draft" Internal Investigation Report Form 80-58DA	6.A
2	Interview complainants and witnesses	6.B
3	Serve any required NOI/s	6.C
4	Interview the involved employee/s (ensure a completed Internal Investigation Material List Form 80-58.1DB is provided to each involved employee prior to the interview)	6.D
5	Gather information	6.E & 6.F
6	Complete the "Draft" Internal Investigation Report/Body-Worn Camera Investigation Short form and issue Notice of Findings	7
7	Investigative Review Process (IRP)*	8
8	Complete the "Final" Internal Investigation Report/Body-Worn Camera Investigation Short form	7
*__NOTE__: An IRP **will not** be conducted if a Loudermill Hearing is conducted (see Operations Order 2.1.00, Discipline Policy and Review Boards, for more information).		

6. **CONDUCTING MISCONDUCT INVESTIGATIONS**

A. General Information

(1) When an investigation may result in discipline of a written reprimand or above, as determined by Operations Order 2.1.01, Policy Violations Index , an Internal Investigation Report form will be completed.

__EXCEPTION__: If the investigation only involves a violation of Operations Order 5.1.00, Body-Worn Video Technology, section 4.C, a Body-Worn Camera Investigation Short form will be completed.

__NOTE__: For supervisor initiated (SI) investigations, ensure an administrative investigation number is obtained from PSB within five (5) days of notification of the incident and documented on the Internal Investigation Report/Body-Worn Camera Investigation Short form.

6. A. (2) The investigating supervisor is responsible for the completion of the Internal Investigation Report/Body-Worn Camera Investigation Short form.

NOTE: For SI investigations, the Internal Investigation Report/Body-Worn Camera Investigation Short form must be completed within 60 days of notification of the incident.

(3) Upon completion of the IRP, the "Final" Internal Investigation Report/Body-Worn Camera Investigation Short form, and any other attachments/supporting documentation, will be forwarded to PSB to be retained in accordance with record retention policies and/or laws.

B. Interviewing Complainants and Witnesses - Whenever possible, statements will be taken from witnesses and complainants.

(1) Audio or audio and video record all interviews with complainants and non-employee witnesses when practical.

(2) This will be done unless such audio/video recordings would obstruct the interview and the obtaining of information.

(3) Complainants and involved employees will be notified in writing every three (3) months as to the current status of the investigation.

C. NOI Procedures

(1) Criteria for Service of an NOI - An NOI will be given to an employee under the following circumstances:

(a) When an employee is under investigation by PSB or a Department supervisor for a matter that may lead to a written reprimand, suspension, and/or demotion, or termination, and is being interviewed, interrogated, or requested to produce any documentation (financial disclosure statements, memorandums, etc.)
(b) See the appropriate Memorandum of Understanding (MOU)/Memorandum of Agreement (MOA) for more information.

(2) Procedures for Completion of an NOI

- A synopsis of the incident under investigation, outlining the specific nature of the investigation, the employee's status in the investigation and all known allegations of misconduct that the employee will be interviewed about, will be included in the space provided.
  - The synopsis will include the date, time, and location, if known.

(3) Procedures for Serving an NOI

(a) The investigating supervisor or PSB investigator will complete and provide an NOI to the employee **prior** to interviewing or interrogating the employee.

- This does not include preliminary fact finding questions to determine the scope of allegations or if an investigation is necessary.

(b) The employee will review the NOI, sign it, and be provided a copy of the signed and dated form, prior to any interview or interrogation.

6. C. (3) (c) Additional NOIs will be served at any time throughout the investigation when new allegations are established, and further interview or interrogation of the employee is required.

- If, for example, a rude conduct complaint is being investigated and new information from the employee establishes the employee is untruthful, the supervisor/investigator should stop the interview until a new NOI can be prepared and served.
- Interview questions specific to the allegation of misconduct will be limited to the scope of the NOI.
- Supervisors/investigators will not rely on a "blanket statement" for putting the employee on notice that other issues of misconduct will also be investigated.

D. Interviewing Employees Under Investigation

(1) General Information

(a) Prior to interviewing an involved employee, an Internal Investigation Material List form documenting what materials the investigating supervisor or PSB investigator provided to the involved employee will be completed.

(b) Investigating supervisors or PSB investigators may either record the statement of an accused employee or accept a written statement from the employee.

(c) Investigating supervisors or PSB investigators may require each employee participating in the investigation to prepare and submit an individual written report of all facts of the incident known to the employee.

(d) When there is an allegation of explicit bias in violation of policy, relevant questions will be asked. (See Operations Order 1.4.00, Prohibition of Bias-Based Policing for definitions.)

(e) Investigating supervisors or PSB investigators will record reactions and statements of those present when statements are read to the accused in the presence of complainants and witnesses.

(f) If body-worn camera video is being used as the basis for an allegation of misconduct against an employee, the employee will have access to the video prior to the employee's administrative interview.

(2) Unit Representation - The employee, who has been served with an NOI, may ask that a unit representative be present during any investigative interview.

(a) The interview will be delayed for a reasonable period of time to allow for the arrival of the representative.

(b) The representative may participate in the interview as permitted by the appropriate MOU/MOA.

(3) Garrity Rights

(a) Any employees under investigation for possible misconduct will be informed that when an employee is compelled to respond to questioning by the Department, such statements and any evidence derived from such statements cannot be used against the employee in a criminal matter.

6. D. (3) (b) Any such required statements could be used against an employee in civil proceedings.

(c) Voluntary statements may be admissible in subsequent criminal action.

(4) Audio/Video Recording the Interview

(a) The employee, the representative, and the investigating supervisor/PSB investigator may mechanically record the interview.

(b) The Department reserves the right to transcribe any mechanically recorded interview for the purpose of verifying the accuracy of such interview.

- If requested, the employee shall sign the transcription if it is accurate.

(c) The employee may request and receive an audio/video copy of the interview.

(d) Overtime is not authorized for the purpose of dropping off or picking up audio/video recordings by the affected employee or representative.

E. Submission of Information

(1) Line Ups	• Supervisors may require an employee involved in a misconduct investigation to participate in a line-up for identification purposes. • The procedure will only be used when absolutely necessary and with the approval of the involved employee's assistant chief.
(2) Financial Disclosure Statements	• An employee may be required to submit financial disclosure statements at the direction of the Police Chief when such information is material to an administrative investigation of misconduct. • Financial disclosure will only be required when it is determined the information is critical to the conclusion of a misconduct investigation.
(3) Substance Abuse Allegations	When there are indications an employee is involved in substance abuse, investigating supervisors may require the employee to submit to the following: • A field sobriety test and/or a chemical test for intoxication and the results will be recorded in an Incident Report (IR) and Impaired Driver Report (IDR) • A medical or laboratory examination to test for the presence of drugs. Such medical or laboratory tests will require the prior approval of the employee's bureau/precinct commander/administrator
(4) Photographs	Supervisors may require each employee involved in an investigation to submit to being photographed if those currently on file with the Department are: • Unsuitable • Do not reasonably depict the current appearance of the employee

F. Polygraph Examinations

(1) General Information

(a) Employees may be required to take a polygraph examination when serious allegations are made against them in regard to their truthfulness.

(b) When serious allegations are made against an employee, the employee may request a polygraph examination.

(c) The Department recognizes that, for the purposes of criminal prosecution, employees do not automatically waive any constitutional privileges concerning questioning pursuant to this order.

6. F. (2) Approval for Polygraph Examinations - All polygraph examinations for internal investigation purposes must be approved by the Police Chief.

(3) Requirements - Employees will not be required to submit to a polygraph examination except when the employee is suspected of:

- Committing a criminal offense
- Misconduct that would be grounds for termination, suspension, or other disciplinary action
- Concealing information regarding their qualifications for continued employment with the Department
- Withholding or concealing pertinent information regarding any matter under official investigation by the Department

(4) Examination Guidelines

(a) Questions used in a polygraph examination will be pertinent to the subject of inquiry, except the polygraph examiner may ask control questions as necessary to validate an examination within the scope of acceptable polygraph procedures.

(b) The right to assistance of counsel does not exist when required to submit to a polygraph examination in the employee-employer relationship.

(c) Polygraph examinations will be performed within a reasonable time of the request and by qualified examiners.

(d) Employees will tell the truth at all times, will answer pertinent questions to the best of their knowledge, and will not refuse to answer or knowingly give a false or misleading answer to any question before, during, or after a polygraph examination.

(e) A labor representative may monitor the polygraph interview and examination from the monitoring room and will be allowed to be present during post exam interviews.

(5) Cooperation

(a) Employees will cooperate with supervisors and investigators when involved in any incident requiring the use of the polygraph.

(b) An employee who refuses to take a polygraph when so ordered by a superior will be dismissed at the discretion of the Police Chief.

G. Joint Criminal and Administrative Investigations

(1) Interviews

(a) Employee Served a Notice of Investigation (NOI)	• An employee who has been, or under the circumstances is likely to be, issued an NOI shall not be interviewed jointly by a criminal and administrative investigator. • This order shall apply to any interview of an employee who was directly involved in a response to resistance incident, traffic collision, or an in-custody death.
(b) Employees Not Served a Notice of Investigation (NOI)	• An employee who has not been, and under the circumstances is not likely to be, issued an NOI, may be interviewed jointly by a criminal and administrative investigator. • If during the joint interview it appears there may be serious criminal liability on the part of the employee, the administrative investigator should leave the interview.

6. G. (2) Crime Scene Walk-Through - Administrative investigators shall not accompany criminal investigators during a crime scene walk-through with an employee who was directly involved in a response to resistance incident, traffic collision, or an in-custody death.

- Exceptions may be made on a case-by-case basis.

(3) Disclosure of Information

(a) Administrative investigators shall not disclose to criminal investigators any information obtained **during or after** compelled interviews unless and until approved by the Legal Unit.

- The purpose of this order is to prevent the intentional or inadvertent use, directly or indirectly, of an employee's compelled statement in criminal prosecution against the employee (Garrity Rights).

(b) Criminal investigators may disclose to administrative investigators any information discovered during their investigation unless otherwise prohibited by law: for example, grand jury proceeding and wiretap investigation.

H. Procedures for Specific Types of Investigations

(1) Excessive Force Complaints - When excessive force complaints are received, the investigating supervisor will ensure the following procedures are completed:

(a) Interviews with complainants, witnesses, and employees are audio or audio and video recorded.

(b) Photographs are taken of all the areas of the body where there has been an allegation of injury.

- The photographs will be taken utilizing a Department-approved camera and color bar.
- Photographs will be obtained whether or not the injury is visible.
- Employees of the same sex as the complainant will be utilized to obtain these photographs when appropriate.
- Laboratory Services Bureau (LSB) personnel will not be utilized for taking photographs unless the incident is unusual.

(2) When an Employee Has Committed a Crime

(a) When there are reasonable grounds to believe an employee has committed a crime, the on-scene supervisor will immediately notify their chain of command.

(b) The bureau/precinct/duty commander or administrator will then contact the commander of the Family Investigations Bureau (FIB).

(c) The commander of FIB, in consultation with PSB, will determine the proper course of action to be taken as follows.

- The Special Investigations Detail (SID) of FIB and/or PSB personnel may respond to the scene for disposition.
- At the direction of SID/PSB, the incident may be documented by another sworn employee in an IR and forwarded to SID/PSB for follow-up.
- The internal investigation will be conducted by PSB.

(d) Specific investigative procedures concerning criminal investigations of employees are outlined in the affected bureau's manual.

6. I. Body-Worn Camera Video

(1) An employee who is the subject of an ongoing criminal investigation, including an officer involved shooting or in-custody death, will not access or view body-worn camera video relating to the criminal investigation until the video is released by the criminal investigators.

(2) In accordance with Arizona Revised Statute (ARS) 38-1116, an employee involved in an incident resulting in an administrative investigation will have access to body-worn camera video prior to the completion of the administrative investigation.

J. Reassignment of Employees Under Investigation

(1) An employee under investigation may be reassigned until the completion of the investigation, see Operations Order 4.1.00, Employee Related Administrative Procedures, for more information.

(2) Employees may:

- Be placed on administrative leave
- Work the same position until the investigation is concluded
- Be reassigned to a non-enforcement position for the duration of the investigation

(3) Some guidelines for consideration are:

- Potential for violence and/or misuse of police authority
- Pending termination
- Substance abuse
- Under investigation for a serious crime

(4) Commanders who place employees on administrative leave or reassignment will notify PSB and the Fiscal Management Bureau (FMB) of the assignment at the beginning of the next business day.

(5) The employee's immediate supervisor will remain responsible for all appropriate/required Department paperwork and activities.

7. COMPLETION OF THE INTERNAL INVESTIGATION PACKET

A. General Guidelines

(1) The investigating supervisor will initially complete the Internal Investigation Report/Body-Worn Camera Investigation Short form in "Draft" form.

- A diagonal "Draft" custom watermark will be inserted on the document by clicking on "Design" and then "Watermark."

(2) To determine a recommendation for discipline, supervisors will refer to Operations Order 2.1.01, Policy Violations Index.

- A statement of the discipline recommendation will be included in the **CONCLUSION** of the Internal Investigation Report form.

(3) The "Final" Internal Investigation Report/Body-Worn Camera Investigation Short form will only be completed after the IRP.

NOTE: Ensure the "Draft" custom watermark is removed.

7. A. (4) An Investigative Review Control (IRC) Form 80-58DD will be prepared and included as part of the Internal Investigation packet.

- This form will be placed immediately behind the Internal Investigation Report/Body-Worn Camera Investigation Short form.

(5) PSB investigations will be completed in accordance with the procedure/format outlined in the PSB Manual.

(6) Background Checks

(a) The investigating supervisor will check all complainants and witnesses through the Strategic Information Bureau (SIB) and PSB.

(b) The results will be listed in the **DETAILS OF INVESTIGATION** section of the Internal Investigation Report/Body-Worn Camera Investigation Short form.

(7) Findings of the Investigation - In the "Findings" section of the Body-Worn Camera Investigation Short form or the space marked "Findings" and in the **CONCLUSION** section of the Internal Investigation Report form, the investigating supervisor will list/select one of the following:

(a) Unfounded	• It is found the reported misconduct did not occur or did not occur as alleged.
(b) Exonerated	• The incident occurred, but the conduct was lawful and proper.
(c) Unresolved	• There is insufficient evidence to either prove or disprove the allegation. • The inquiry into this allegation is inactivated pending development of further information.
(d) Sustained	• The allegation is supported by sufficient evidence to justify a reasonable conclusion the alleged misconduct occurred.

B. Internal Investigation Report Form - The form consists of the following main components: **SUMMARY OF INVESTIGATION**, **DETAILS OF INVESTIGATION**, **CONCLUSION**, and **CLOSING**.

NOTE: Bolding, highlighting, underlining, italicizing, and other font effects will not be used when completing the form.

(1) **SUMMARY OF INVESTIGATION**

- List names of complainant and any witnesses
- List all attachments
- Provide a synopsis of the allegation/s (conveys to the reader the concise facts surrounding the investigation)
- Provide a findings

(2) **DETAILS OF INVESTIGATION**

(a) General Information	• List the events of the supervisor's entire investigation in chronological order • Briefly describe the facts and then explain details of the investigation

(b) Memoranda From Employees	• The investigation will include memoranda from employees containing direct statements about the allegation against them.
	• Employee memoranda should be summarized.
	  * This summary should only include pertinent information relative to the allegation.
	  * It is not necessary to completely restate what the employees involved already stated in their memoranda.

7. B. (2) Details of Investigation (continued)

(c) Interviews	• Interviews of employees, complainants, or witnesses will be audio/video recorded, and the information/statement will be accurately paraphrased. ∗ Interviews will not be transcribed and/or quoted unless they have specific merit and bearing on an issue of fact in the investigation. ∗ Audio/video recordings will be forwarded with the original report. • Interviews with the complainant will be listed by date, time, name, and location where the interview was conducted.

(3) **CONCLUSION**

- The conclusion, based on evidence, will have a concise summary paragraph with a recommendation of exonerated, sustained, unfounded, or unresolved.
- For each sustained allegation of misconduct, the investigator should identify the most applicable policies the employee's actions violated based on the totality of the circumstances and cite those policies.
- If the investigation sustains a violation/s of misconduct, the conclusion will contain a description of the policy violation listed within Operations Order 2.1.01, Policy Violations Index, to make a discipline recommendation.
- Any investigation with a sustained violation of misconduct will have a statement regarding the final disposition (discipline resulting in suspension, demotion, or termination, will be listed according to current MOU/MOA guidelines).

(4) **CLOSING**

(a) For the "Draft" Internal Investigation Report form, include the below closing:

- This draft investigation is complete and will be forwarded to the involved employee/s for review. If desired, an Investigative Review Process (IRP) meeting will be held with Commander (insert name) to discuss the findings of the investigation.

(b) For the "Final" Internal Investigation Report form, include the below closing:

- This investigation is complete and was reviewed and approved by the involved employee/s. This investigation will be retained in the Professional Standards Bureau (PSB) in accordance with record retention policies and/or laws.

C. Attachments - The following documents will be included as "Attachments" to the Internal Investigation Report/Body-Worn Camera Investigation Short form when applicable.

(1) Work History Memorandum

- In cases where the complaint is sustained, the employee's past record of discipline (according to the time tables in the MOU/MOA or Operations Order 2.1.00, Discipline Policy and Review Boards), commendations, and performance evaluations for the preceding five (5) years will be listed in chronological order.

NOTE: The employee's supervisor will complete the work history memorandum for all misconduct investigations (SI investigations and PSB investigations).

(2) Medical Records - When medical records, as defined by Arizona Revised Statute (ARS) 12-2291.6, are involved in a PSB or other administrative investigation, the information will not be included in the main Internal Investigation Report form.

7. C. (2) (a) All files containing medical records will be clearly marked **Confidential: Do Not Release** and will be stored in PSB.

- Medical records will be maintained in files separate from the regular PSB files or reports.
- No medical records will be kept with the work unit copy of the investigation.
- Medical records will not be released as public records and may only be released internally with the permission of the PSB commander, after consulting the Department legal advisor.

(b) Any reference to medical records or medical history in the main Internal Investigation Report form will be reviewed by the legal advisor prior to releasing the "Draft" Internal Investigation Report form to the employee or the designated unit representative.

(c) For additional information, see the PSB manual.

(3) Supervisory Counseling Form or Written Reprimand Form 14-8D - Must identify what rule or regulation was violated (this information should be the last sentence in the Nature and Specific Details of Infraction section of the Written Reprimand form).

EXAMPLE: In the case of tardiness, "Your conduct violates Operations Order 4.7.00, Rules and Regulations, which requires employees to be punctual in reporting for duty."

(a) Supervisory Counseling Form Routing

- For Unit 4 employees [Phoenix Law Enforcement Association (PLEA)], the original Supervisory Counseling form will be forwarded to FMB for placement in the employee's Department file and a copy of the form will be retained by the employee's supervisor for one (1) year.
- For employees not in Unit 4, the original Supervisory Counseling form will be retained by the employee's supervisor for one (1) year.

(b) Written Reprimand Form Routing

- The original Written Reprimand form will be forwarded to FMB for placement in the employee's Department file.
- A copy of the Written Reprimand form will be included in the Internal Investigation Report packet and forwarded to PSB for filing and a copy will be placed in the employee's division/bureau/precinct file

8. **NOTICE OF FINDINGS (NOF)** - A Notice of Findings will be prepared listing the allegations investigated and the Findings listed in the Body-Worn Camera Investigation Short form or the Conclusion section of the Internal Investigation Report form.

9. **INVESTIGATIVE REVIEW PROCESS (IRP)** - The IRP process will not exceed 21 calendar days with the following exceptions:

- If a time extension is needed, it must be requested in writing prior to the end of the 21 calendar day period.
- If the matter involves an Equal Employment Opportunity Department (EOD) investigation and the employee files an EOD appeal, the IRP will be scheduled in coordination with the EOD appeal process.

A. Investigating Supervisor or PSB Investigator Responsibilities - The "Draft" Internal Investigation packet and Notice of Findings will be forwarded to the affected employee's bureau/precinct commander or administrator for review.

9. B. Providing a Copy of the "Draft" Internal Investigation Packet and Notice of Findings to the Affected Employee

(1) Sustained Allegations	A copy of the "Draft" Internal Investigation packet and Notice of Findings will be provided to the affected employee/s and/or representative upon the review and approval of the employee's bureau/precinct commander/ administrator.
(2) Unresolved, Exonerated, or Unfounded Allegations	The "Draft" Internal Investigation packet may be reviewed by the employee at their request.

C. Employee Review of the "Draft" Internal Investigation Packet

(1) Time Limitations - The employee has a maximum of **21 calendar days** to review the "Draft" Investigation packet and make note of any issues in dispute.

(a) If the matter involves an Equal Employment Opportunity Department (EOD) investigation and the employee files an EOD appeal, the IRP will be scheduled in coordination with the EOD appeal process.

(b) If agreed to by both parties, the time period of 21 calendar days for review may be reduced or extended.

- If the full 21 calendar day period is to be used for review, an extension will be necessary and in writing prior to the end of the 21 calendar day IRP time period.
- If an extension is agreed upon, Section 1 of the IRC form will be completed to reflect the agreed-upon extension date.

(c) The employee and/or representative will then return all copies of the "Draft" Internal Investigation packet to the investigating supervisor or PSB investigator.

EXCEPTION: Employees may keep one (1) copy of the "Draft" Investigation packet until the "Final" Investigation packet is completed for comparison.

(2) Restrictions

(a) Employees **will not**:

- Make copies of the "Draft" Internal Investigation packet.
- Provide copies of the "Draft" Internal Investigation packet to the media.
- Make the "Draft" Internal Investigation packet available to the public.

(b) Commanders/administrators will advise the employee of these restrictions when the copy is released to the employee.

D. Investigative Review Meeting

(1) Scheduling

(a) The affected employee's bureau/precinct commander/administrator will schedule a meeting to review the investigation upon completion of the review by the employee.

- Overtime for the involved employee is not authorized for this meeting.
- Meetings reference investigations conducted by PSB will be scheduled through PSB.

(b) This meeting is not necessary for unresolved/unfounded/exonerated complaints unless requested by either party.

9. D. (2) Attendance

(a) The following people **will** attend the meeting:

- Affected employee's bureau/precinct commander/administrator or designee.
- Investigating supervisor or PSB investigator.
- PSB commander (if the investigation was conducted by PSB.)

(b) The following people **may** attend the meeting:

- Affected employee and unit representative
- Affected employee's immediate supervisor
- Anyone else as deemed necessary by the bureau/precinct commander/ administrator

(3) Purpose of the Meeting - The affected employee, investigating supervisor or PSB investigator, and the affected employee's chain of command shall attempt to seek agreement regarding the specific allegations and findings of the investigation.

(4) Responsibility of the Affected Employee

(a) If the Employee Agrees with the Investigation	If the employee agrees with the content of the investigation, the employee or representative will be requested to sign and date the IRC form indicating agreement.
(b) If the Employee Disagrees with the Investigation	If the employee disagrees with the content of the investigation, an attempt will be made to resolve the differences. • Once a consensus is reached, a new draft will be created and, if necessary, an amended Notice of Findings will be issued. • Issues remaining in dispute will be noted on the IRC form. • In the absence of agreement, the process will continue as outlined in this order.

(5) Conclusion of the Meeting

(a) At the conclusion of the meeting, the bureau/precinct commander/administrator or PSB commander will do the following:

- Review the circumstances of the findings
- When reasonable, a specific, single policy that was violated during a single act or related series of events should be enumerated in the investigation
- Other policies, however, may be used in support of the specific allegation
- Ensure a "Final" Internal Investigation Report/Body-Worn Camera Investigation Short form is prepared and forwarded to the effected assistant chief if necessary
- Ensure the IRC form is completed, and a copy is sent to the appropriate labor association

(b) A copy of the "Final" Internal Investigation packet will be given to the employee at their request.

(c) The "Final" signed/dated Internal Investigation packet will be retained in PSB in accordance with current file retention policies.

(d) A copy of the completed IRC form will be forwarded to the appropriate labor association.

Last Organizational Review: